

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 23, 2011
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB11-133 be amended as follows, and as so amended, be referred to the Committee on Legislative Council with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. Part 1 of article 33 of title 22, Colorado Revised
4 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
5 read:

6 **22-33-111. School discipline study - legislative declaration -**
7 **task force appointed - report - repeal.** (1) (a) THE GENERAL ASSEMBLY
8 FINDS THAT:

9 (I) SECTION 2 OF ARTICLE IX OF THE STATE CONSTITUTION
10 PROVIDES FOR THE ESTABLISHMENT OF A THOROUGH AND UNIFORM
11 SYSTEM OF PUBLIC SCHOOLS WITH THE PURPOSE OF PROVIDING FREE
12 EDUCATION FOR ALL CHILDREN IN THE STATE SO THAT THEY ARE
13 PREPARED TO BECOME PRODUCTIVE AND ENGAGED MEMBERS OF SOCIETY;

14 (II) TO THAT END, PUBLIC SCHOOLS SHOULD BE SAFE, WELCOMING,
15 AND ENGAGING PLACES FOR CHILDREN TO LEARN. SCHOOL DISCIPLINE
16 POLICIES AND PRACTICES SHOULD BE DESIGNED TO PROTECT STUDENTS
17 FROM HARM, CREATE HEALTHY AND PRODUCTIVE LEARNING
18 ENVIRONMENTS, ASSIST YOUTH IN LEARNING FROM THEIR MISTAKES, AND
19 MAXIMIZE STUDENTS' OPPORTUNITIES TO LEARN.

20 (III) IN PUBLIC SCHOOLS ACROSS THE STATE, ZERO-TOLERANCE
21 POLICIES HAVE LED TO STUDENTS BEING REMOVED FROM SCHOOL
22 THROUGH OUT-OF-SCHOOL SUSPENSION, EXPULSION, AND REFERRALS TO

1 ALTERNATIVE SCHOOLS FOR MINOR INCIDENTS OF MISBEHAVIOR THAT
2 COULD BE MORE APPROPRIATELY DEALT WITH USING MORE EFFECTIVE
3 STRATEGIES;

4 (IV) SIMILARLY, PUBLIC SCHOOLS ACROSS THE STATE, STUDENTS
5 ARE BEING TICKETED, ARRESTED, OR OTHERWISE REFERRED TO LAW
6 ENFORCEMENT OFFICIALS FOR MINOR MISBEHAVIOR THAT COULD BE DEALT
7 WITH USING MORE EFFECTIVE SCHOOL DISCIPLINARY METHODS; AND

8 (V) THESE PROBLEMS EXIST AND THEY CONTRIBUTE TO HIGH
9 DROPOUT RATES, LOW GRADUATION RATES, ACHIEVEMENT GAPS, AND
10 LONG-TERM COSTS TO THE COMMUNITY IN THE FORM OF LESS EDUCATED
11 AND LESS PRODUCTIVE CITIZENS.

12 (b) THE GENERAL ASSEMBLY DECLARES THAT IT IS NECESSARY
13 AND APPROPRIATE TO CREATE A LEGISLATIVE TASK FORCE TO ASSESS THE
14 CURRENT USE OF SCHOOL DISCIPLINE STRATEGIES AS THEY RELATE TO THE
15 JUVENILE JUSTICE SYSTEM, ALONG WITH EVIDENCE-BASED SOLUTIONS
16 THAT PROMOTE DISCIPLINE STRATEGIES TO KEEP STUDENTS IN SCHOOL
17 AND REDUCE THE CRIMINALIZATION OF SCHOOL-BASED BEHAVIORS.

18 (2) THERE IS HEREBY CREATED A LEGISLATIVE TASK FORCE TO
19 STUDY AND ASSESS:

20 (a) CURRENT SCHOOL DISCIPLINE PRACTICES AND STATUTES
21 CONCERNING ZERO TOLERANCE PRACTICES IN COLORADO SCHOOLS;

22 (b) THE USE OF LAW ENFORCEMENT TICKETS, ARRESTS, AND OTHER
23 JUVENILE JUSTICE SANCTIONS FOR SCHOOL-BASED BEHAVIORS IN
24 ELEMENTARY AND SECONDARY PUBLIC SCHOOLS IN COLORADO; AND

25 (c) THE INTERACTION OF SCHOOL DISCIPLINE PRACTICES WITH THE
26 JUVENILE JUSTICE SYSTEM IN COLORADO.

27 (3) (a) (I) THE TASK FORCE SHALL CONSIST OF SIX LEGISLATIVE
28 MEMBERS APPOINTED AS FOLLOWS:

29 (A) THREE MEMBERS OF THE SENATE, TWO OF WHOM ARE
30 APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE OF WHOM IS
31 APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

32 (B) THREE MEMBERS OF THE HOUSE OF REPRESENTATIVES, TWO OF
33 WHOM ARE APPOINTED BY THE SPEAKER OF THE HOUSE OF
34 REPRESENTATIVES AND ONE OF WHOM IS APPOINTED BY THE MINORITY
35 LEADER OF THE HOUSE OF REPRESENTATIVES.

36 (II) THE APPOINTING AUTHORITIES SHALL MAKE THEIR
37 APPOINTMENTS NO LATER THAN THIRTY DAYS AFTER THE EFFECTIVE DATE
38 OF THIS SECTION. THE PRESIDENT OF THE SENATE SHALL SELECT A
39 LEGISLATIVE TASK FORCE MEMBER TO SERVE AS CHAIR OF THE TASK
40 FORCE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
41 SELECT A LEGISLATIVE MEMBER OF THE TASK FORCE TO SERVE AS
42 VICE-CHAIR OF THE TASK FORCE.

1 (III) NOTWITHSTANDING THE PROVISIONS OF SECTION 2-2-307,
2 C.R.S., THE LEGISLATIVE MEMBERS OF THE TASK FORCE SHALL SERVE
3 WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES
4 INCURRED IN SERVING ON THE TASK FORCE.

5 (b) (I) THE CHAIR AND VICE-CHAIR OF THE TASK FORCE SHALL
6 JOINTLY SELECT UP TO TEN PERSONS TO SERVE AS NON-VOTING MEMBERS
7 OF THE TASK FORCE AND TO ASSIST THE LEGISLATIVE TASK FORCE
8 MEMBERS IN REVIEWING THE ISSUES IDENTIFIED IN THIS SECTION. THE
9 NON-VOTING MEMBERS SHALL INCLUDE PERSONS WITH KNOWLEDGE AND
10 EXPERIENCE IN THE AREAS OF SCHOOL DISCIPLINE AND JUVENILE JUSTICE
11 AND WHO REPRESENT THE FOLLOWING CONSTITUENCIES:

- 12 (A) SCHOOL DISTRICTS;
- 13 (B) TEACHERS AND ADMINISTRATORS EMPLOYED IN PUBLIC
14 SCHOOLS;
- 15 (C) STUDENTS AND PARENTS OF STUDENTS ENROLLED IN PUBLIC
16 SCHOOLS;
- 17 (D) LAW ENFORCEMENT AGENCIES;
- 18 (E) DISTRICT ATTORNEYS;
- 19 (F) CRIMINAL DEFENSE ATTORNEYS;
- 20 (G) RESTORATIVE JUSTICE PRACTITIONERS; AND
- 21 (H) COMMUNITY ORGANIZATIONS.

22 (II) THE NON-VOTING TASK FORCE MEMBERS SHALL SERVE
23 WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

24 (4) (a) THE TASK FORCE SHALL HOLD AT LEAST FOUR PUBLIC
25 MEETINGS AND MAY HOLD ADDITIONAL PUBLIC MEETINGS AS DEEMED
26 NECESSARY BY THE CHAIR. AT THE MEETINGS, THE TASK FORCE SHALL
27 TAKE TESTIMONY ON AND DISCUSS THE TOPICS SPECIFIED IN SUBSECTION
28 (2) OF THIS SECTION. THE TASK FORCE MAY ALSO SOLICIT AND RECEIVE
29 WRITTEN COMMENTS FROM MEMBERS OF THE PUBLIC.

30 (b) IN ADDITION TO TESTIMONY, THE TASK FORCE SHALL REVIEW
31 ANY AVAILABLE, NON-IDENTIFYING COLORADO DATA COLLECTED BY THE
32 DEPARTMENT OF EDUCATION, SCHOOL DISTRICTS, OR LAW ENFORCEMENT
33 AGENCIES IN STUDYING ISSUES RELATING TO ZERO-TOLERANCE LAWS AND
34 PRACTICES AND THE USE OF JUVENILE JUSTICE SANCTIONS FOR
35 SCHOOL-BASED ADOLESCENT BEHAVIORS. THE TASK FORCE MAY ALSO
36 SOLICIT INFORMATION FROM THE NATIONAL CONFERENCE OF STATE
37 LEGISLATURES, OTHER NATIONAL RESEARCH ORGANIZATIONS, AND OTHER
38 STATES OR ORGANIZATIONS THAT HAVE STUDIED OR INTRODUCED
39 LEGISLATION CONCERNING EVIDENCE-BASED PRACTICES FOR ADDRESSING
40 SCHOOL DISCIPLINE ISSUES.

41 (5) ON OR BEFORE DECEMBER 15, 2011, THE TASK FORCE SHALL
42 SUBMIT TO THE JUDICIARY COMMITTEES AND THE EDUCATION COMMITTEES

1 OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR
2 COMMITTEES, WRITTEN RECOMMENDATIONS FOR STATUTORY CHANGES TO
3 ENHANCE THE EFFECTIVENESS OF SCHOOL DISCIPLINE PRACTICES IN
4 ACHIEVING THE GOALS IDENTIFIED IN SUBSECTION (1) OF THIS SECTION.
5 EACH RECOMMENDATION OF THE TASK FORCE REQUIRES THE AFFIRMATIVE
6 CONSENT OF A MAJORITY OF THE LEGISLATIVE MEMBERS. THE TASK FORCE
7 MAY ALSO SUBMIT ONE OR MORE MINORITY REPORTS.

8 (6) (a) THE TASK FORCE SHALL NEITHER RECEIVE NOR EXPEND
9 GENERAL FUND MONEYS IN FULFILLING ITS DUTIES. NEITHER THE
10 LEGISLATIVE COUNCIL STAFF NOR THE OFFICE OF LEGISLATIVE LEGAL
11 SERVICES SHALL PROVIDE STAFF SUPPORT TO THE TASK FORCE. THE TASK
12 FORCE SHALL NOT BE CONSIDERED AN INTERIM COMMITTEE FOR PURPOSES
13 OF RULE 24 (b) (1) (D) OR RULE 24A OF THE JOINT RULES OF THE SENATE
14 AND HOUSE OF REPRESENTATIVES.

15 (b) THE TASK FORCE MAY SOLICIT, ACCEPT, AND EXPEND PUBLIC
16 OR PRIVATE GIFTS, GRANTS, OR DONATIONS, INCLUDING IN-KIND
17 DONATIONS, TO SUPPORT THE TASK FORCE IN FULFILLING ITS DUTIES. ANY
18 MONEYS RECEIVED PURSUANT TO THIS PARAGRAPH (b) SHALL BE
19 CREDITED TO THE LEGISLATIVE DEPARTMENT CASH FUND CREATED IN
20 SECTION 2-2-1601, C.R.S., FOR USE BY THE TASK FORCE.

21 (7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2012.

22 **SECTION 2. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety."

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